

REMARKS/ARGUMENTS

This response is submitted in response to the Office Action dated August 8, 2005. No claims have been amended. After entry of this amendment, claims 1-17 will continue to be pending in the application. Reconsideration and allowance is respectfully requested in view of the remarks made below.

1. The Prior Art Rejections

Claims 1-6 and 16-17 were rejected under 35 U.S.C. §103(a) as obvious in view of a combination of U.S. Patent No. 3,996,930 to Sekulich (hereinafter "Sekulich"), U.S. Patent 5,853,362 to Jacobs ("Jacobs" and U.S. Patent Publication 2004/0186344 to Januzzi ("Januzzi"). Claims 7-14 have been rejected under Section 103 based upon the foregoing combination of three references and further in view of U.S. Patent 6,350,230 to Kontos ("Kontos"). Claim 15 has been rejected under Section 103 based upon a proposed combination of Sekulich and U.S. Patent 6,132,366 to Ritchie et al.

Applicant respectfully but strenuously disagrees with each and every one of these rejections, for the reasons given below. Careful reconsideration on the part of the Examiner and withdrawal of the rejections is earnestly requested.

Sekulich discloses a V shaped device that has an anterior leg 11 and a posterior leg 13. The device is 3 inches long and 5/16 of an inch in diameter. See col. 2, lines 1-4. The device is used by being inserted into a vagina and is held in place by a woman's underwear. See col. 2, lines 40-41. The user controls the amount of stimulation desired through movements of the legs. It is not a handheld device with a grippable portion as is the present invention. The device further has a bulbous bearing head 28 that is located at the end of posterior leg 12.

Jacobs discloses a intravaginal glandular stimulator device and method that is sized and shaped to be worn internally by a woman. It is not intended to be held in place by a woman's underwear; it is accordingly difficult to see how a person having ordinary skill in the art might have found suggestion or incentive to combine its teachings with that of Sekulich. Applicant's independent claim 1 claims a shaft portion that is curved re-entrantly at its distal end to form a

smooth nosed hook extending generally toward a distal end of a handle portion, and further specifies that the handle portion has an outer face that is grippable to manipulate the implement. Jacobs has no handle portion. Sekulich has no handle portion, since it is intended to be secured to a woman's underwear rather than gripped. In order to supply a handle portion the rejection was forced to turn to Januzzi, which discloses an article that is nothing like the stimulation aid that Applicant is claiming.

The Januzzi device has a generally cylindrical handle that is contoured all the way around, while Applicant is claiming a handle portion that has an interface that is adapted to act as an outer stimulator zone. There is no structure on Januzzi that is suitable for performing as an outer stimulator zone. There is no disclosure in Sekulich, Jacobs, Januzzi or any of the other references of record of the stimulation aid that has a handle wherein one face of the handle is grippable to manipulate the implement while another face of the handle is adapted to act as an outer stimulator zone, as Applicants independent claim 1 recites. For that reason alone, all of the rejections applied in the Office Action are improper and should be withdrawn.

In order to properly combine references in a Section 103 rejection there must be some suggestion or incentive present that would have led a person having ordinary skill in the art to contemplate such a combination. Given the differences between Sekulich, which is designed to be mounted to a woman's underwear, Jacobs, which is intended to be worn internally and Januzzi, which is intended to be externally manipulated it is difficult to see how a person having ordinary skill in the art would have genuinely contemplated combining the teachings of any two of these references, let alone cobbling together disparate elements of all three references as was proposed in the Office Action. It is clear that this rejection was put together with the benefit of impermissible hindsight and is legally improper. It will fail on appeal. It should be withdrawn.

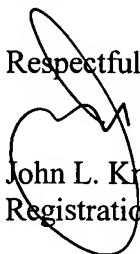
The rejection of claim 7-14 adds yet a fourth reference, making it even less likely that a person having ordinary skill in the art would have found the requisite suggestion or incentive to combine the teachings of the references as proposed in the rejection. Reconsideration and withdrawal of the rejections is respectfully requested.

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2. Conclusion

Applicant has made an earnest effort to place this application in condition for allowance. If the Examiner feels that a telephone interview would expedite prosecution of this patent application, he is respectfully invited to telephone the undersigned at 215-599-0600.

Respectfully submitted,


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